

**NEVADA DEPARTMENT OF  
CONSERVATION & NATURAL RESOURCES**

**STATE ENVIRONMENTAL COMMISSION**

**HEARING ARCHIVES FOR**

**REGULATORY PETITIONS**

**COMMISSION PETITION NO. 94016**

**LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-114-94**

**DOCUMENTS INCLUDED IN THIS FILE:**

**YES SECRETARY OF STATE FILING FORM**

**YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B**

**REGULATORY PETITIONS**

**ORIGINAL DRAFTED BY COMMISSION**

**ADOPTED BY COMMISSION**

**YES AS FILED AND CODIFIED BY LCB**

**Secretary of State  
Filing Data**

**For Filing Administrative  
Regulations**

**For Emergency  
Regulations Only**

**Effective Date** \_\_\_\_\_

**Expiration Date** \_\_\_\_\_

\_\_\_\_\_  
**Governor's Signature**

**Nevada State Environmental Commission**

**Classification** ☐ **Proposed** ☐ **Adopted By Agency** ☒ **Temporary** ☐ **Emergency** ☐

**Brief description of action:** Petition 94016 (LCB R-114-94) permanently amends the Nevada Administrative Code 444.8632 by adopting 40 CFR Parts 2, Subpart A, 124, Subparts A and B, Parts 260 to 270, inclusive and Part 279 as those sections existed on July 1, 1994. The proposed amendments updates the state's authority to receive authorization from the U.S. EPA regarding new provision of the Resource Conservation & Recovery Act (RCRA) adopted since July 1, 1993.

**Authority citation other than 233B:** NRS 449.485, 459.490 and 459.500

**Notice date:** July 12, 1994; July 20, 1994 and July 28, 1994.

**Hearing date:** August 11, 1994

**Date of Adoption of Agency:** August 11, 1994

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED  
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066  
PETITION 94016  
LCB R-114-94**

The following statement is submitted for adopted permanent amendments to Nevada Administrative Code Chapter 444 by the State Environmental Commission (SEC).

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 94016 was noticed three (3) times: July 12, July 20 and July 28, 1994) and four times in the Las Vegas Review Journal and Reno Gazette-Journal newspapers. Comments and hearing minutes may be secured from the Office of the State Environmental Commission located in Carson City, Nevada at 333 W. Nye Lane, Room 128. No comments were received from the general public regarding this petition.

2. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1. Comments and hearing minutes may be secured from the Office of the State Environmental Commission located in Carson City, Nevada at 333 W. Nye Lane, Room 128. No comments were received from the affected businesses.

3. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulations were adopted at the SEC hearing on August 11, 1994 with no further comment.

4. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects: and
- (b) Both immediate and long-term effects.

- a. There are no adverse or beneficial economic effects on the public or regulated sources.
- b. There are no immediate or long-term economic effects on regulated sources. There are no immediate or long-term economic effects on the public.

**5. The estimated cost to the agency for enforcement of the proposed regulation.**

**There is no additional cost to the agency for enforcement of the proposed regulation.**

**6. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary.**

**There are no other state or government agency regulations which the proposed amendments duplicate.**

**CODIFIED PERMANENT REGULATION OF THE  
NEVADA STATE ENVIRONMENTAL COMMISSION**

**LCB File No. R-114-94**

**EXPLANATION** - Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

**AUTHORITY:** NRS 459.485, 459.490 and 459.500

**Section 1.** NAC 444.8632 is hereby amended to read as follows:

**444.8632 1.** In addition to the requirements of NAC 444.850 to 444.8746, inclusive, any person who generates, transports, treats, stores, disposes or otherwise manages hazardous waste or used oil shall comply with all applicable requirements and may rely upon applicable exclusion or exemption under of 40 C.F.R. Part 2, Subpart A, Part 124, Subparts A and B, Parts 260 to 270, inclusive, and Part 279, as those provisions existed on July 1, [1993,] *1994*, which, except as modified by NAC 444.86325, 444.8633 and 444.8634, are hereby adopted by reference. The state environmental commission may use federal statutes and regulations that are cited in 40 C.F.R. Part 2, Subpart A, Part 124, Subparts A and B, Parts 260 to 270, inclusive, and Part 279, to interpret these sections and parts.

**2.** The volumes containing these parts may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, for the following prices:

- (a) Volume 40 C.F.R. Part 2.....\$31
- (b) Volume 40 C.F.R. Part 124.....34
- (c) Volume 40 C.F.R. Parts 260 to 270, inclusive, and 279.....36

**END OF PETITION 94016 (LCB R-114-94)**